

United States District Court District of Massachusetts

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2005-10019-RGS

DANIEL W. McELROY,
AIMEE J. KING McELROY,
XIEU VAN SON,
Defendants.

ORDER AND RECOMMENDATION AFTER FINAL STATUS CONFERENCE PURSUANT TO LOCAL RULE 116.5(C)

COLLINGS, U.S.M.J.

A Final Status Conference was held on September 20, 2005.

The within Order is prepared pursuant to Local Rule 116.5(D). Using the
numeration of matters listed in Local Rule 116.5(C), I report as follows:

- (1) None.
- (2) No.
- (3) No.

- (4) The government has requested notice of alibi. The defendants have not responded contending that the government's notice is deficient. The issue is RESERVED for decision by the trial judge.
- (5) All pre-trial non-discovery type motions have been filed. *See ## 25, 26, 28, 29 & 31.*
- (6) ***An Initial Pretrial Conference should be set AS SOON AS POSSIBLE.***
- (7) The case will have to be tried; a trial will take twenty trial (20) days.
- (8) *See Order of Excludable Delay (#22) entered April 6, 2005.*
- (9) Twenty trial (20) days.

Using the numeration of matters listed in Local Rule 116.5(D), I report as follows:

- (1) Yes.
- (2) Yes; no reason for the case to remain with the magistrate judge.
- (3) *See ¶ (5), supra.*
- (4) *See ¶ (8), supra.*
- (5) Twenty trial (20) days.
- (6) None.

I RECOMMEND that the Court set the case down for an Initial Pretrial Conference pursuant to Local Rule 117.1 ***AS SOON AS POSSIBLE.***

THE FILE IS RETURNED TO THE CLERK'S OFFICE WITH INSTRUCTIONS TO BRING THE CASE TO THE IMMEDIATE ATTENTION OF THE

COURTROOM DEPUTY CLERK ASSIGNED TO JUDGE STEARNS' SESSION.

The Clerk shall enter on the docket the fact that the case "is no longer referred to Magistrate Judge Collings."

/s/ Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

October 14, 2005.